

# **Facilitators' Report**

## **Regarding the Channel Islands National Marine Sanctuary Marine Reserves Working Group**

*Prepared for*

*Channel Islands National Marine Sanctuary  
Sanctuary Advisory Council*

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## **Introduction**

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This Facilitator's Report has been prepared to aid the Channel Islands National Marine Sanctuary Advisory Committee (SAC) in making a recommendation regarding Marine Reserves within the Sanctuary waters. It is being provided to the SAC in place of a Consensus Recommendation from the Marine Reserves Working Group (MRWG) because the MRWG was unable to reach consensus on a single comprehensive recommendation regarding marine reserves, consistent with its own ground rules which required unanimity among its members for a recommendation to be made.

This report has been prepared by the facilitation team that provided neutral assistance and support to the MRWG over its twenty-two (22) month effort to "consider the potential establishment of marine reserves within the Channel Islands National Marine Sanctuary area." During this time, the MRWG sought "to collaborate to seek agreement on a recommendation to the Sanctuary Advisory Council by using the best ecological, socioeconomic, and all other available information."

As per its ground rules, since the MRWG was unable to achieve unanimity in its recommendation, the facilitation team was tasked with identifying the areas of agreement and disagreement that characterized the MRWG efforts toward reaching a consensus recommendation. We have also sought to provide some observations on the process used to seek agreement and the value derived from the hard work that each and every member of the MRWG invested in defining issues, crafting a problem statement, identifying options and seeking agreement.

This report has been prepared subsequent to the last formal meeting of the MRWG that took place on May 16, 2001. Therefore, it has not been reviewed by members of the Working Group. Accordingly, it represents the perspectives of the facilitation team and not necessarily those of the members of the MRWG itself. In crafting this report, the facilitation team has used its best efforts to objectively and independently convey the outcomes that emerged from nearly two years of collaborative listening, information collection and evaluation, constituent outreach, public forums, and interest-based negotiation.

While the MRWG was not able to achieve unanimity on a comprehensive recommendation to the SAC, this should not be interpreted as either a lack of effort or a failure of the process. As professional facilitators, we observed the working group:

- ❖ Develop a better understanding of each others perspectives and interests;
- ❖ Develop a better understanding of both the substance and process of marine resource policy making;

- ❖ Develop and improve working relationships among and between traditionally opposing interest groups;
- ❖ Generate proposals that were more responsive to a multitude of interests rather than responding to more narrow or limited interests; and,
- ❖ Frame the relevant marine reserve issues in a manner that will inform and help facilitate the development of a recommendation by the SAC to the Sanctuary Manager, the California Fish and Game Commission, and the National Oceanic and Atmospheric Administration, as the state and federal stewards of Sanctuary waters.

## Process Background

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In 1999, the California Fish and Game Commission received a request from the Channel Islands Marine Resource Restoration Committee and the Channel Islands National Park to create a network of marine reserves within the Channel Islands National Marine Sanctuary. In response to this request the Channel Islands National Marine Sanctuary and the California Department of Fish and Game developed a joint federal and state process to consider establishing marine reserves in the Sanctuary. The Channel Islands National Marine Sanctuary Advisory Council (SAC) appointed the Marine Reserves Working Group (MRWG) in July 1999, to consider the establishment of marine reserves within the Sanctuary. The MRWG membership was designed to represent the full range of community perspectives. Members included representatives of the public-at-large, commercial fishing, recreational fishing and diving interests, and non-consumptive interests. The MRWG is presently comprised of 16 members<sup>1</sup>, including five members from the SAC.

Because the MRWG was not able to arrive at a recommendation by consensus (i.e. unanimity), the SAC is now charged with evaluating their areas of agreement and disagreement and crafting its own recommendation to the Sanctuary Manager. The paragraphs that follow are intended to facilitate that process through delineating what was and was not accomplished during the tenure of the MRWG. It is our understanding that the SAC will develop a recommendation based in part on the insights gained from the MRWG process and forward it to the Sanctuary Manager as formal advice. The Sanctuary Manager and the California Department of Fish and Game (DFG) Marine Region Manager will then submit a recommendation to the California Fish and Game Commission, Pacific Fisheries Management Council, and the National Oceanic and Atmospheric Administration for consideration. Because the MRWG did not achieve consensus on a recommendation, there is no final "product" to be evaluated by its advisory bodies - the Science

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<sup>1</sup> The MRWG was originally appointed with 17 members. One of the non-consumptive representatives withdrew from the process in early 2001. That open seat was not filled by the remaining caucus of non-consumptive, conservation representatives on the MRWG.



Panel and the Socioeconomic Team. Therefore, only the preliminary findings of these advisors regarding various options considered by the MRWG during the course of its deliberations will be provided to the SAC. In addition, the meeting notes of the three public forums held will also inform the SAC regarding the range of perspectives on the size, location and specifics of potential reserve areas.

## **Substantive Areas of Agreement**

### **Overview**

The MRWG did come to a series of general agreements in concept, even though it was not able to achieve unanimity on a recommendation regarding reserve size, design, location and administration. At its final meeting on May 16, 2001 the MRWG agreed to forward to the SAC those substantive agreements that did garner the full support of the group. Those agreements focused on the following six topics:

- ❖ Ground Rules
- ❖ Mission Statement (Reaffirming the SAC's direction to the MRWG)
- ❖ Problem Statement

- ❖ Issues of Concern
- ❖ Goals and Objectives
- ❖ Implementation Recommendations

Areas where the MRWG could not achieve consensus centered around the size and location of marine reserves, possible phasing-in of marine reserves, possible designation of “limited take” areas, and how to integrate potential reserves with current and anticipated fisheries management actions in the CINMS region. The pages that follow review points of agreement reached by the MRWG. Consensus language is indicated in *italics*.

**Ground Rules:** The MRWG reached agreement on a set of Ground Rules that provided a common understanding about the purpose of the MRWG process and established a basis for constructive communication with each other as well as decision-making, and the day-to-day working group operations (See Attachment A)

**Mission Statement:** The MRWG agreed to the following consensus language regarding a its mission:

*Using the best ecological and socioeconomic and other available information, the Marine Reserve Working Group (MRWG) will collaborate to seek agreement on a recommendation to the Sanctuary Advisory Council regarding the potential establishment of marine reserves<sup>2</sup> within the Channel Islands National Marine Sanctuary area.*

**Problem Statement:** The MRWG agreed on a problem statement to guide the development of goals and objectives for marine reserves. This problem statement sought to answer the question “If marine reserves are the solution, what is the problem?” that was posed by many in attendance at the first Public Forum. By agreeing on a problem statement, the MRWG was able to frame the question of “why” consider the establishment of marine reserves. By taking this approach, the problem statement:

- ❖ Enhanced the legitimacy of the process;
- ❖ Encouraged collaboration among a broad alliance of interests;
- ❖ Engaged stakeholders and their constituencies in the process;
- ❖ Served as a “touchstone” for productive dialogue;
- ❖ Identified the implications of non-agreement and maintaining the “status quo”
- ❖ Established a focus on the future of the Channel Islands marine ecosystem;
- ❖ Framed the problem to be addressed; and
- ❖ Minimized misinterpretations regarding the purpose for collaborating.

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<sup>2</sup> A marine reserve is defined as a “No Take” zone.

When difficult situations emerged, the problem statement was used to refocus the participants on a constructive approach to changing the status quo. The MRWG agreed to the following consensus language regarding a Problem Statement:

### Problem Statement

*The urbanization of southern California has significantly increased the number of people visiting the coastal zone and using its resources. This has increased human demands on the ocean, including commercial and recreational fishing, as well as wildlife viewing and other activities. A burgeoning coastal population has also greatly increased the use of our coastal waters as receiving areas for human, industrial, and agricultural wastes. In addition, new technologies have increased the efficiency, effectiveness, and yield of sport and commercial fisheries. Concurrently there have been wide scale natural phenomena such as El Nino weather patterns, oceanographic regime shifts, and dramatic fluctuations in pinniped populations.*

*In recognizing the scarcity of many marine organisms relative to past abundance, any of the above factors could play a role. Everyone concerned desires to better understand the effects of the individual factors and their interactions, to reverse or stop trends of resource decline, and to restore the integrity and resilience of impaired ecosystems.*

*To protect, maintain, restore, and enhance living marine resources, it is necessary to develop new management strategies that encompass an ecosystem perspective and promote collaboration between competing interests. One strategy is to develop reserves where all harvest is prohibited. Reserves provide a precautionary measure against the possible impacts of an expanding human population and management uncertainties, offer education and research opportunities, and provide reference areas to measure non-harvesting impacts.*

**Issues of Concern:** Early on in the process, the MRWG agreed to the consensus language regarding Issues of Concern. The following language was instrumental in guiding the development of goals and objectives that occurred later in the process.

### Issues of Concern

*The Working Group identified the following key issues of concern that needed to be addressed in developing its recommendation regarding marine reserves in the Channel Islands National Marine Sanctuary.*

- ❖ **Status of Resources:** *There was an interest in quantitatively assessing how the combination of anthropogenic influences and natural variability have led to changes over time in the distribution and abundance of the species of interest that are indicative of the status of the ecosystems and fisheries of the Channel Islands.*
- ❖ **Social / Economic / Ecological Considerations:** *There was an interest in achieving marine resource conservation while minimizing socioeconomic*

*impacts to the marine fisheries industry as well as fairly allocating the risks and benefits among consumptive and non-consumptive users.*

- ❖ **Evaluation:** *There was an interest in avoiding the repetition of mistakes made in the development of other marine reserves and in future scientific monitoring to assess the long-term effectiveness of the proposed reserve(s).*
- ❖ **User Profiles:** *There was an interest in identifying all relevant user-groups and their respective areas of primary operation in order to quantitatively assess the principle economic activities and related interests in the Channel Islands.*
- ❖ **Reserve Design:** *There was interest in identifying the specific spatial extent of any potential reserve (s) and in determining whether there would be any temporal variation regarding reserve size and location.*
- ❖ **Reserve Administration:** *There was an interest in seeing the development of a comprehensive interagency management strategy for reserve(s) and in determining how reserve management would operate in terms of enforcement and administrative procedures.*

**Goals and Objectives:** Considerable time was invested in developing and refining a set of goals and objectives to provide guidance to the Science Panel and Socioeconomic Team as well as to themselves in the development of a network of marine reserves. The goals and objectives were developed to answer the question of “what” is the desired future state of the Channel Islands marine ecosystem, as well as “what” are the measurable outcomes for evaluating progress and success in moving toward that future desired condition. Through additional input from the Science Panel, the Socioeconomic Panel, existing marine protected area legislation and policies, and further interactive discussion among members, the following Goals and Objectives for marine reserves in the Channel Islands were refined and agreed upon.

### **Goals and Objectives for Marine Reserves in the Channel Islands<sup>3</sup>**

#### ***Ecosystem Biodiversity Goal:***

***To protect representative and unique marine habitats, ecological processes, and populations of interest.***

#### ***Objectives -***

1. *To include representative marine habitats, ecological processes, and populations of interest.*

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<sup>3</sup> In developing and adopting these goals and objectives, the MRWG has adopted the following operational definitions:

**Goal:** A broad statement about a long-term desired outcome that may, or may not be completely obtainable.

**Objective:** A measurable outcome that will be achieved in specific timeframe to help accomplish a desired goal.



2. *To identify and protect multiple levels of diversity (e.g. species, habitats, biogeographic provinces, trophic structure).*
3. *To provide a buffer for species of interest against the impacts of environmental fluctuations.*
4. *To identify and incorporate representative and unique marine habitats.*
5. *To set aside areas which provide physical, biological, and chemical functions.*
6. *To enhance long-term biological productivity.*
7. *To minimize short-term loss of biological productivity.*

**Socio-Economic Goal:**

***To maintain long-term socioeconomic viability while minimizing short-term socioeconomic losses to all users and dependent parties.***

**Objectives**

1. *To provide long-term benefits for all users and dependent parties.*
2. *To minimize and equitably share short-term loss in activity for all users and dependent parties.*
3. *To maintain the social and economic diversity of marine resources harvest by equitably sharing the loss of access to harvest grounds among all parties to the extent practicable when designing reserves.*
4. *To address unavoidable socioeconomic losses created by reserve placement through social programs and management policy.*

**Sustainable Fisheries Goal:**

***To achieve sustainable fisheries by integrating marine reserves into fisheries management.***

**Objectives -**

1. *To increase abundance, distribution, reproductive capacity and individual sizes of harvested populations within marine reserves in the Channel Islands region.*
2. *To facilitate rebuilding and sustaining harvested populations.*
3. *To enhance spillover into non-reserve areas.*
4. *To establish a recognition program for sustainable fisheries in the Channel Islands region.*

**Natural and Cultural Heritage Goal:**

***To maintain areas for visitor, spiritual, and recreational opportunities which include cultural and ecological features and their associated values.***

**Objectives -**

1. *To conserve exceptional ecological and cultural resources that stimulate and encourage human interaction with the marine environment and promote recreational activities.*
2. *To conserve outstanding areas that encompass seascape, adjoining coastal landscapes, or possesses other scenic or visual qualities.*
3. *To maintain submerged remnants of past life that are of special historical, cultural, archeological, or paleontological value.*
4. *To maintain areas of particular importance that support traditional non-consumptive uses.*
5. *To maintain opportunities for outdoor recreation as well as the pursuit of activities of a spiritual or aesthetic nature.*
6. *To facilitate ease of access to natural features without compromising their value or uniqueness*

#### **. Education Goal**

***To foster stewardship of the marine environment by providing educational opportunities to increase awareness and encourage responsible use of resources.***

#### **Objectives -**

1. *To develop and distribute offsite interpretations and displays allowing indirect observation, study and appreciation of marine resources.*
2. *To provide current pamphlets, project ideas and worksheets for use on and offsite.*
3. *To promote personal and organized visits for direct observation and study.*
4. *To link monitoring and research projects to support classroom science curriculum.*

**Implementation Recommendations:** In addition to the goals and objectives that the MRWG developed, the group also identified an additional set of suggestions related to the question of “how”. In coming to closure on these recommendations, the MRWG sought to anticipate some of the difficulties related to the implementation or execution of reserve and identify matters that should be taken into account in that process, as well as relevant procedures or protocols for maximizing their success and effectiveness.

#### **Implementation Recommendations**

*The following “implementation recommendations” have been adopted to compliment the above goals and objectives for marine reserves and to provide additional guidance and clarification to stakeholders, management agencies, user groups and members of the broader “maritime community,” as the details of program implementation are refined and put in to place.*

**MONITORING, EVALUATION, AND ASSESSMENT RECOMMENDATIONS****Purpose:**

1. *To understand ecosystem functions in order to distinguish natural processes from human impacts;*
2. *To monitor and evaluate the short- and long-term effectiveness of reserves for managing living marine resources including harvested populations;*
3. *To widely publicize the results of findings of monitoring and evaluation efforts.*

**For Biodiversity:**

1. *Design reserves that will be tractable for monitoring of biological and physical processes;*
2. *Establish long-term monitoring of ecological patterns and processes in, adjacent to, and distant from marine reserves;*
3. *Evaluate short- and long-term differences between reserve and non-reserve areas;*
4. *Study the effects of marine mammal predation on marine populations in, adjacent to and distant from reserves;*
5. *Provide for water quality testing near and distant from reserves;*
6. *Monitor ecosystem structure and functioning along gradients of human activities and impacts;*
7. *Develop methods for evaluating ecosystem integrity.*

**For Fisheries Management**

1. *Evaluate the short- and long-term effectiveness of reserves as an integrated fisheries management tool;*
2. *Develop and adopt a monitoring, evaluation and data management plan for goals and objectives that explicitly contribute to "adaptive management;"*
3. *Provide long-term continuity in effort, expertise, and funding during reserve monitoring and evaluation;*
4. *Establish long-term resource monitoring programs in, adjacent to, and distant from reserves;*
5. *Monitor impacts of reserves on commercial and recreational industries;*
6. *Provide for the systematic study of near shore species, including (1) larval export, (2) adult migration, (3) relative abundances, (4) size-frequency distributions, and (5) other topics of interest, for stock assessment purposes;*
7. *Monitor reserves to test their ability to:*
  - *Replenish and recover marine populations of interest including harvested populations;*
  - *Export larvae and adult individuals to areas outside reserve boundaries;*
  - *Document changes of catch characteristics of users adjacent to and distant from reserves;*
  - *Study and evaluate the effects of predators on marine populations in, adjacent to, and distant from reserves.*

**For Socioeconomic Impacts:**

1. *Provide an opportunity to monitor and evaluate the benefits and impacts to all users and dependent parties inside, adjacent to, and distant from reserves.*

**For Data Management**

1. *Create and adopt interagency memoranda of understanding to define integrated management framework, responsibilities and accountability;*
2. *Seek commitments of adequate resources of time, funding, and expertise to assure adequate and ongoing monitoring, synthesis, interpretation, and reporting of information;*
3. *Undertake preliminary surveys to provide baseline information to gauge reserve performance;*
4. *Design monitoring strategies to produce definitive results through an explicit reporting process including clearly stated monitoring objectives to address priority issues, and quality assurance programs to ensure that type, amount, and quality of data meets research objectives;*
5. *Design a data management program that provides mechanisms to ensure data is processed, summarized, and reported to concerned individuals, organizations and agency representatives in an easily understood format on a regular (e.g., bi-annual) basis. Seek an ongoing funding base to maintain adequate data management capacity;*
6. *Design and implement a program for dissemination of information from ongoing studies in a useable and accessible format that can provide information for better environmental protection and management;*
7. *Design the monitoring and evaluation program with built in mechanisms for periodic review and that allows for program adjustments that are responsive when monitoring results or new information from other sources justifies program refinement.*

**RESERVE ADMINISTRATION RECOMMENDATIONS:****Purpose:**

*To effectively respond to the "Problem Statement" and achieve the goals and objectives of this program of marine reserves through:*

1. *Effective agency coordination and accountability*
2. *Community oversight*
3. *Data management*
4. *Adequate funding*
5. *Appropriate enforcement practices*

**Agency Coordination and Accountability:**

1. *Create and adopt interagency Memoranda of Understanding (MOU), Memoranda of Agreement (MOA), or other means to memorialize agency commitment to the marine reserves program by the California DFG, CINMS, NMFS, FWS and NPS and other responsible agencies with jurisdiction.*
2. *Develop procedures to insure and maintain consistent interpretation, application and enforcement of regulations across agencies.*
3. *Continue efforts to protect the intent of these reserves from outside intervention and changes.*

**Community Oversight:**

1. Convene a standing community oversight committee to review implementation, the effectiveness of reserve administration and monitoring, and to ensure that community concerns can be expressed and addressed.

**Funding:**

1. Develop cooperative interagency agreements (among CINMS, CINP, DFG and NMFS, and other agencies) to seek and commit annual funding and other in-kind assistance to support reserve administration.
2. Provide operational support and seek a dedicated funding stream to implement and maintain: marine reserve design, research, monitoring, and evaluation.
3. Develop a protocol in which each agency annually reports its contributions to the CINMS or other designated "lead" agencies reserve administration.
4. Explore the utilization of non-profit, research, and academic organizations and other implementation strategies as methods of institutionalizing long-term program funding.

**Enforcement:**

1. Develop an enforcement Memorandum of Understanding (MOU) and cooperative interagency enforcement plan with the NMFS, DFG, CINP, CINMS, and Coast Guard.
2. Design clear and discernable reserve boundaries.
3. Enlist community participation in marine reserve management and enforcement in order to maximize the cost-effectiveness of the enforcement program.
4. Provide operational support and seek a dedicated funding stream to maintain an active presence on the water and in the air.
5. Develop explicit regulations and restriction that are clear and consistently interpreted.
6. Use "state of the art" enforcement resources, reserve dedicated officers, and vessels.
7. Allow the transit of vessels with fish through reserves at any time, as long as no gear is in the water.
8. Allow anchoring of vessels with fish in marine reserves as permitted by Federal law or in case of emergency caused by hazardous weather.
9. Allow for limited take associated with research, monitoring and adaptive management of this network of marine reserves.

**Education Recommendations:**

1. Create a (CINMS, DFG, FWS, NPS, and others) team of educators to create a coordinated plan with input from the community for the development of interpretive programs, multimedia products, signs, brochures, and curriculum materials related to marine reserves.
2. Develop a training program for staff and volunteers from the above agencies so that they have the tools and information they need to provide interpretation about marine reserves to the general public.
3. Integrate marine reserves educational materials into existing educational programs such as Sanctuary Naturalist Corps, Sanctuary Cruises, Great American Fish Count, etc.

4. *Incorporate data from marine reserve research and monitoring projects into science curriculum materials and hold workshops to present this information to teachers.*
5. *Develop interagency Web site for Channel Islands Marine Reserves that is a portal to best available and most current information about marine reserves that could be used by the general public and school audiences*
6. *Develop a program for organized public educational visits (such as diving, whale watching, nature photography, etc.) to marine reserves for direct observation and study.*
7. *Seek funding for interagency efforts described above.*

## Outstanding Unresolved Issues

Consistent with the MRWG's Ground Rules, there are several unresolved issues that the group wanted to share with the SAC. Resolution of these issues was elusive to the MRWG, in part because in certain cases, these issues were framed such that the gains to one interest group were viewed as losses to at least one or more other caucus of interests. Efforts by the Facilitation Team to transform these positions into broader interests or as components of a package of proposals were not successful. This section of the Facilitators' Report is intended to provide the SAC with our insights regarding what the MRWG could not agree on and the competing interests underlying those issues.

1. **Size of Reserves:** While efforts were made to avoid focusing primarily on reserve size as the basis for a recommendation, input from the Science Panel largely defined the success of reserves in terms of size. Efforts by the facilitation team and others to introduce other variables such as phasing, limited take areas and integrated fisheries management into the "conversation" did not create sufficient agreement to resolve the issue of reserve size. The following perspectives appear at odds at this time:

Perspective	Interest	Proposals to Date:
Reserves should initially be limited in size until their benefits, especially spillover benefits, can be adequately demonstrated.	Minimize economic hardships on consumptive users. Maintain access to key important traditional areas of use.	7% Set-aside 14% Set-aside
Set aside 20-30% of high quality habitat within the Sanctuary as a initial Phase of marine reserves. Provide consumptive users additional time to adapt to the closures and through adaptive management over time, increase the area to 30+% per the Science Panel's recommendation.	Make significant scientifically defensible progress towards achievement of the goals and objectives for marine reserves and build community support for additional expansions through adaptive management.	
Reserves must cover at least 30% of the Sanctuary to be successful, as defined by the Science Panel.	Minimize environmental risk at the expense of short-term adverse economic impacts to consumptive users	30+% Set-aside 28% Set-aside
Reserves should be at least 30% plus an additional 1.2 – 1.8X "insurance" multiplier. Anything less could fail to protect species if natural or manmade disasters cause significant harm to ecosystem health and functions.	Eliminate environmental risk at the expense of adverse economic impacts to consumptive users.	36-48% Set aside

Facilitation Team Observation: A primary focus on reserve size (i.e., percentage set-aside) will not likely lead to a consensus agreement because the gains to one or more stakeholder groups are construed as losses to other groups and because stakeholder options away from

the negotiating table appear better to each side than compromise on this issue. This issue can probably only be resolved by higher-level policy decisions or by negotiating other combinations of proposal elements in place of a "size-driven" outcome.

- 2. Location of Reserves:** Generally, the discussion of the location of specific areas for reserves has been driven by a combination of desire for quality habitat and accessibility (either distance from port, or safety of access). While there may be general agreement that areas that are difficult to access that also contain quality habitat are well suited for reserves, that approach becomes more problematic as one moves from west to east toward Santa Cruz (north side), Anacapa and Santa Barbara Islands. The following perspectives kept the MRWG from consensus:

Perspective	Interest	Proposals to Date:
Santa Barbara and Anacapa Islands are used extensively by sport fishermen (and for Anacapa by recreational divers) from throughout Ventura and Los Angeles Counties and should not be off limits. Access to Santa Barbara has already been severely limited by the Cow Cod Conservation closure.	Maintain some areas easily accessible to ½ and ¾ day charter boats.	No reserves what so ever on Santa Barbara or Anacapa Islands.
Sport fishermen and squid fishermen use the north side of Santa Cruz Island; very limited reserve areas should be set aside along this portion of the Island.	Maintain some areas easily accessible to ½ and ¾ day charter boats. Balance the placement of reserves so that squid harvesting is not disproportionately impacted	If reserves are absolutely necessary in this area, they should only extend out to the 20 fathom depth, leaving the remainder either open entirely or open to some limited take by recreational fishermen and possibly some types of low impact commercial fishing.
Commercial fishermen utilize the northwest portion of San Miguel, weather permitting.	Maintain some areas accessible to shrimp trawlers and other commercial uses.	The placement of reserves should not extend beyond three miles from the elbow to Wilson Rock
The placement of reserves should not be such that it significantly impacts existing kelp harvesting lease areas. Kelp harvesting is a renewable resource and only impacts the top six feet of the water column.	Balance the placement of reserves so that kelp harvesting is not disproportionately impacted.	Allow limited kelp harvesting in selected reserve areas which are situated in locations that are critical to the economic viability of the kelp harvest industry.
Adequate habitat should be fully protected in a replicate manner in all three bio-geographic provinces	The placement of reserves needs to provide for sufficient representation of the full range of habitats in amounts sufficient to meet identified sustainability and biodiversity goals	Set aside quality habitat areas on both the north and south sides of islands in the Oregonian, Californian and Transitional provinces.



### 3. Use of “Limited Take” areas to compliment or substitute for “No Take” Reserves:

Proposals were offered by some Working Group members to allow for different types of “limited take” in some areas. Various types of “limited take” were considered, such as recreational “catch and release” fishing for pelagics; restrictions on certain kinds of recreational fishing tackle and commercial fishing gear; and access to recreational fishing as well as certain commercial fisheries that are cause less impacts to habitat, but closure to the commercial finfish fishery. Such areas might equate to the concept of Marine Conservation Areas as defined by the Marine Life Management Act (MLMA) process.

The basis for these proposals is that some MRWG members felt that such measures would not significantly impact stocks identified as being in decline, and they would still allow some recreational and commercial activities adjacent to no-take reserves.

Perspective	Interest	Proposals to Date:
Allow limited-take/catch & release areas instead of or for credit toward the total percent set aside of marine reserves	Allow for the commercial and recreational benefits of limited impact fisheries of non-threatened species that do not directly require or benefit from no take reserves.	Some discussion as a possible option on the north sides of Santa Cruz and Anacapa Islands.
Allow “recreational only” areas where sport fishing is allowed but commercial fishing is not.	Give preferential treatment to recreational fishing to compensate for other areas set aside for no-take reserves.	No specific proposals offered to date.
Allow for recreational-only, catch & release areas only as a interim measure, prior to designating such areas as Phase II “no-take” reserve areas	Utilize phasing as a method of distributing or minimizing economic hardship and adverse impacts to users over time.	Some discussion as a possible option on the north sides of Santa Cruz and Anacapa Islands.
Do not allow any credit for limited take/catch & release areas toward marine reserves	Preclude unanticipated impacts on biodiversity and predator/prey relationships of an intact marine ecosystem; the Science Panel’s recommendation assumes reserves are “no-take” – catch & release is a form of “take”.	N.A.

It appears that the designation of limited take areas could provide selective benefits to sport fishing and/or certain commercial fishing interests without significantly affecting non-consumptive conservation interests. If satisfactorily sized reserves are also established, this approach may hold promise in realizing the hoped for long-term spillover benefits of reserves, particularly if the limited take areas are located adjacent to no-take reserves.

- 4. Relative Weighting of Advice from Science Panel and Socioeconomic Team** – There was a significant divergence of opinion regarding the relative importance of advice from the two advisory bodies to the MRWG. The facilitation team had sought to establish a system of aggregating individual stakeholders' preferences for how to weigh socioeconomic factors in relation to the advice and recommendations of the Science Panel. The Working Group as individuals and as a group, however, were unwilling to establish the relative weight that should be given to the advice of the two bodies. Some members were of the opinion that because the process was established from the outset as a “science-based” process, that the recommendations of the Science Panel should take precedence over those of the Socioeconomic Team. Other members expressed the perspective that both bodies were advisory in nature, and that it was the responsibility and role of the MRWG itself to “balance potentially conflicting perspectives and make an independent judgment based upon both sets of data.” Both perspectives are supported by the MRWG's Ground Rules. However, neither “position” moved the full group toward common ground.
- 5. Phasing of Reserves:** The MRWG engaged in meaningful discussion of the role of phasing as a method of establishing marine reserves over time. This particular approach presents a series of nested options for consideration. There is general agreement that phasing could be an acceptable method of implementing marine reserves that would spread out the potential socioeconomic impacts on user groups over time. The issues center around: 1) the size of the initial phase, 2) the certainty of future phases, and 3) the use of performance standards or criteria to determine the specific implementation of subsequent phases. All three issues are underlain by a desire for marine reserves to be successful.

The Size of the Initial Phase: One perspective expressed was that for reserves to be successful, they need to be initiated by setting aside a sufficient percentage of the total area to ensure a high probability of succeeding in ultimately meeting the goals established by the Working Group. Another perspective was that the initial size of reserves should be one that would minimize the economic impact to user-groups. Over time perhaps, the size of reserves could increase to a size that would have a higher probability of success in regards to enhancing the distribution and abundance of species of concern.

The Certainty of Future Phases: A concern expressed by several MRWG members was that if a phased reserve network began too small, it would not be effective in producing the desired biological effects on the species of concern. Thus, if the desired biological effects cannot be produced and clearly demonstrated by a small Phase I reserve, then a larger Phase II reserve would never be implemented.

Use of Performance Standards or Criteria to affect the specifics of Subsequent Phases: One concern expressed regarding the use of performance standards was that criteria might be developed that would cause the biological effects of reserves to appear not as pronounced and thereby reduce the probability that larger phases of reserves would be implemented. Another perspective regarding the use of performance standards was that criteria could be developed that would cause the biological effects of reserves to appear more pronounced and thereby increase the probability that larger phases of reserves would be implemented over time. In order to promote constructive dialogue, the nature of appropriate performance standards would need to be discussed and agreed. Without time to more fully consider and define appropriate performance criteria, the MRWG members tended to respond to this concept from their own worst-case scenario perspective.

- 6. Integration of Fisheries Management Outside Reserves** During the course of the MRWG's deliberations, additional fisheries management strategies have been proposed and/or implemented by state and federal authorities outside of the MRWG process. Some on the MRWG had the perspective that fisheries management actions implemented outside by near the CINMS area should be considered when determining the spatial extent of a reserve system. That is, if areas are closed to certain fisheries south of the CINMS border, then that should be taken into account, and not as much emphasis needs to be placed on the area within the CINMS in regards to establishing no-take reserves.

Others on the MRWG felt that new management actions and strategies should be acknowledged and considered when designing a reserve system within the CINMS. Such consideration might allow for not fully meeting the Science Panel's minimum 30% set aside recommendation.

Yet others on the MRWG felt that the Science Panel's 30-50% recommendation applied to CINMS as a discrete management unit unto itself, without regard to other closures outside its boundaries.

Thus, these differences in perspective stem from the way in which different people perceive how fisheries management strategies outside of the CINMS will affect the resources within the Sanctuary.

### **Maps Generated by the MRWG:**

A total of 30 maps of potential marine reserve scenarios and proposals were generated by the MRWG over its 22-month tenure. Support staff from the Channel Islands National Marine

Sanctuary (as well as the Science Panel and Socioeconomic Team) provided extensive technical support and analysis that complimented these mapping efforts, through the development and application of GIS and Decision Support Tools.

Formal mapping efforts took place immediately following the consensus on the MRWG's Goals and Objectives in August, 2000. The table below provides an overview of the range of options developed, their purpose and context, and the resultant outcome of MRWG efforts specific to those maps.

<b>Timeframe</b>	<b>Maps Developed</b>	<b>Context</b>	<b>Outcome</b>
September 27, 2000	10 initial marine reserve <b>Concepts</b> (Maps A1, B1, B2, B3, C1a, C1b, D1, D2, & D3) developed by small <u>heterogeneous</u> MRWG sub-groups for refinement by full MRWG	Provide the basis for negotiating goal-oriented options among divergent interest groups within the MRWG; identify pros and cons for range of interest groups.	Utilized for analytical purposes to evaluate ability to meet both social, economic and ecological goals; not pursued as viable proposals for formal consideration
October 18, 2000	5 additional marine reserve <b>Scenarios</b> (Maps A, B, C, D, & E) developed by small homogeneous, self-selecting groups for refinement by full MRWG	Build upon initial set of maps and identify areas from which to negotiate a proposed network of reserves that was responsive to full range of interests	Provided a basis for soliciting feedback from constituent groups.
February 21, 2001	4 proposed marine reserve <b>Options</b> (Maps A-D) developed by full MRWG, with audience input.	Maps developed for feedback and evaluation from Science Panel, Socioeconomic Team and general public	Science Panel and Socioeconomic team provide technical analysis of implications of each map; public forum held to receive input on each map.
April 18, 2001	MRWG identifies four <b>additional scenarios</b> (E, F, G, H) and identifies one non-consensus-based map (I) as representing the overlap of potential marine reserve proposals. MRWG reaches impasse on a proposal to send forth to SAC.	Maps developed in response to advisory input from Science Panel, Socioeconomic team, and general public; represented an attempt to find common ground, and reflect constituent group input as well.	No Consensus achieved among full MRWG.
April 19, 2001 - May 15, 2001	MRWG members negotiate additional scenarios (J, K, L, M, N, O) outside of meeting in small groups with intention of achieving consensus	Further efforts to negotiate common ground and integrate other dynamics including phasing, areas of limited take, fisheries	No Consensus achieved among full MRWG.

Timeframe	Maps Developed	Context	Outcome
		management and other factors into a map that is agreeable to all MRWG members..	
May 16, 2001	MRWG reaches formal impasse on a recommendation and sends forward two maps to SAC, neither of which received a full consensus. Each map represents, the “resistance point” of consumptive vs. non-consumptive interests.	Deadline for agreement reached; parties identify their bottom lines for mapping purposes and identify areas of overlap but not consensus	Impasse formally acknowledged; MRWG forwards one composite map (depicting areas of overlap and non agreement) to the SAC representing divergent perspectives, neither of which could garner consensus from the group as a whole.

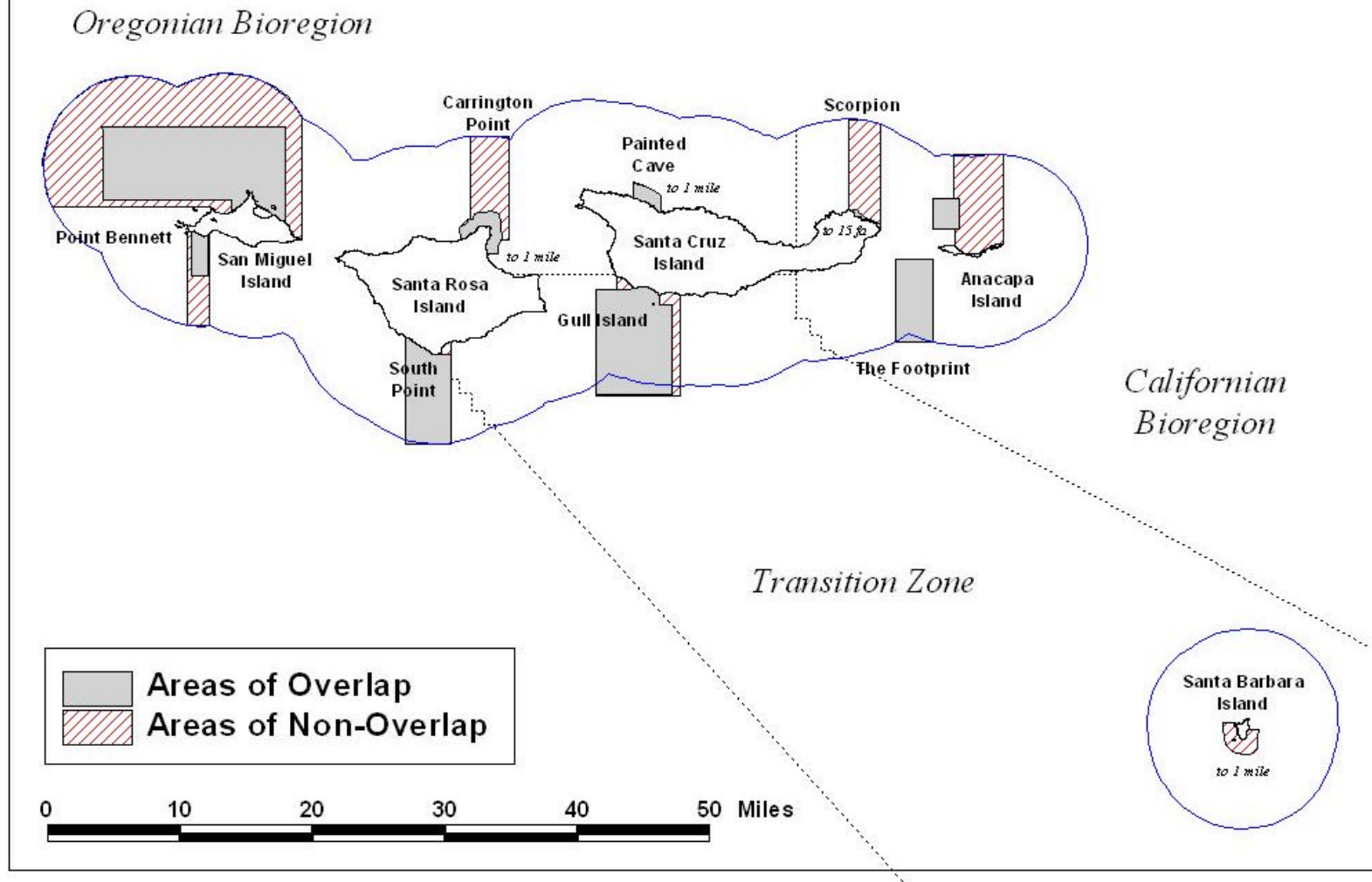
The composite map forwarded to the SAC and depicted below represents the best effort that each of the consumptive and non-consumptive interests could propose and remain true to their constituent groups. The two areas depicted on this map represents the “resistance point”<sup>4</sup> of each caucus of interests - that combination of reserve locations and size configurations beyond which they and/or their constituent group(s) could not support.

For those representing conservation interests, Map E represented the minimum level of habitat set-aside and spatial extent that could be supported. For those representing consumptive interests, the map depicting Areas of Overlap represented their maximum level of habitat set-aside and spatial extent. Neither of these two proposals contains elements for dealing with phasing, areas of limited take or integration of fisheries management issues.

<sup>4</sup> In the field of Negotiation Analysis, a resistance point or reservation value is a negotiator's bottom line, beyond which alternatives to a negotiated settlement (walking away, letting someone else decide, pursuing more other methods of dispute resolution) are more attractive than agreeing on an outcome negotiated by the parties themselves.

## Composite Map of Areas of Overlap and Non-Overlap

May 16, 2001

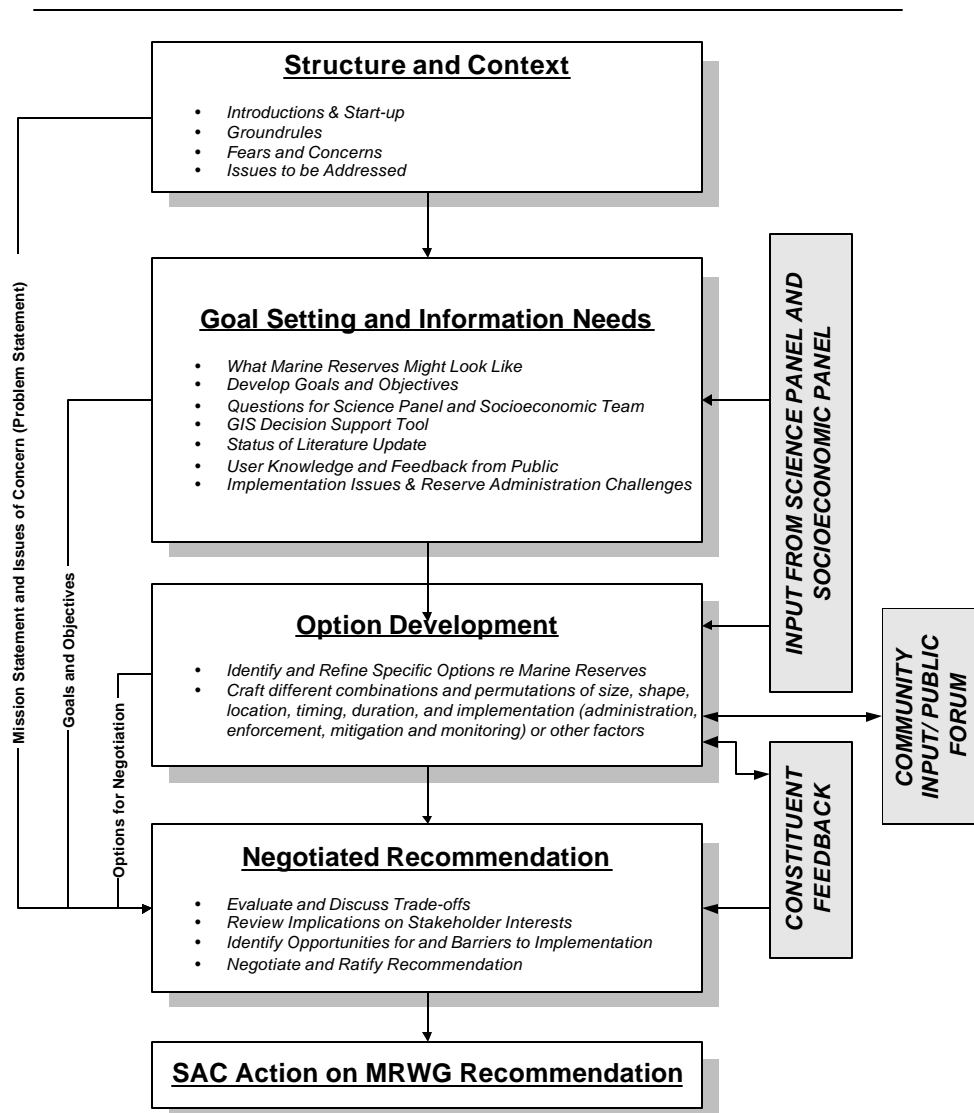


The challenge for those who must interpret the areas of consensus and non-consensus of the MRWG will be to find additional ways to creatively address the key concerns of the consumptive and non-consumptive interests in the marine reserve policy arena. For consumptive users, this means perhaps incorporating new policy alternatives and approaches for helping to minimize or mitigate the anticipated economic impacts of marine reserve designation, while also maintaining an acceptable level of access to productive fishing areas. For non-consumptive interests, a solution requires a system of representative reserves, situated in opportune locations, which are of sufficient size to protect the integrity of marine ecological processes at the scale of the Channel Islands. The thoughtful consideration of phasing, limited take areas, and further integration with sustainable approaches to fisheries management may help decision-makers in arriving at ecologically sound high quality solutions that also significantly address the core needs and interests of affected stakeholders.

## Overall Process Observations

The Marine Reserves Working Group (MRWG) was convened in July of 1999 and began its substantive discussions regarding the establishment of marine reserves ("no take" fishing zones) in October of that year. Group members invested a considerable amount of time working together, reviewing information provided by their advisory panels, and the public at large in undertaking its mission to use the best available ecological, socioeconomic and other information to seek agreement on a recommendation regarding the potential establishment of marine reserves within the Channel Islands National Marine Sanctuary area. The flowchart below provides a general overview of the components of the MRWG process.

### Overview of MRWG Process Stages





In their collaborative efforts, the MRWG has accomplished a number of positive and long lasting substantive results including:

- ❖ Framing the policy issues surrounding the issue of designating a network of marine reserves;
- ❖ Adopting protocols for collaborative problem solving and constructive dialogue;
- ❖ Improved working relationships among disparate interest groups;
- ❖ General agreement on a problem statement to guide the consideration of marine reserves;
- ❖ Development of goals and objectives that should guide the design, location, implementation and administration of marine reserves;
- ❖ Building of consensus regarding the potential value and benefits of marine reserves;
- ❖ Narrowing of original differences over the acceptable size of marine reserves.
- ❖ Identification of areas of overlap where marine reserve(s) could be located. (See discussion below)
- ❖ Public education and outreach with regard to the scientific, political and socioeconomic issues surrounding the creation and management of marine reserves.

From a process perspective, the MRWG discussions and deliberations were based upon a series of guiding principles. These guiding principles contribute to the stability of the outcomes that have been realized, as well as lessons to be learned.

**Diversity of Representation:** The representation reflected on the MRWG was formulated in advance of the involvement of the facilitators, being comprised of recreational fishing interests, kelp harvesting, commercial fishing interests, consumptive and recreational diving interests, conservation interests, public at large representatives, marine policy/science, and regulatory agencies at the state and federal level. If any deficiencies of representation were to be identified, they would center around a lack of representation of oil interests, and harbor/yachting interests, as well as the geographical extent of users. However, these limitations were overcome by efforts to involve Ventura-based fishing interests as alternates on the MRWG, and specific efforts by constituent representatives including squid seiners and other commercial fishing interests outreaching within their groups to users well beyond the immediate area (e.g., Monterey and San Pedro). Overall, the facilitation team concluded that representation was sufficiently diverse to craft a lasting agreement that was representative of all of the key stakeholding interests.

**Commitment of the Participants to the Process:** One noteworthy observation of the process was the energy and commitment of participants to preparing for and attending meetings. In spite of some degree of turnover and organizational change within the MRWG membership, each stakeholder group represented on the MRWG fielded representatives for each of the 27 meetings held. Principals rather than their alternates attended the great majority of the meetings.

**Ability to Respond to a Loss of Membership:** One of the originally designated MRWG members, Dr. Michael McGinnis withdrew from the process in early 2001. His withdrawal was consistent with the ground rules as interpreted by the MRWG itself and the facilitation team. The conservation caucus, within which Dr. McGinnis' seat was classified, determined that it would not seek to have his vacancy filled. Negotiations continued and Dr. McGinnis continued to attend several of the meetings as a member of the public, and communicated his views to the MRWG as a whole on a regular basis up until the final meeting.

**Process Flexibility:** Flexibility was designed into the process from the initial involvement of the facilitators. On several occasions, the facilitation team conferred with the MRWG as a whole regarding process design issues and made adjustments in not only the time frame for discussions but also the role of the MRWG itself in designing and refining agendas and meeting topics. While the process did consume considerably more time than was envisioned by its convenors, deadlines and timing did not significantly affect the outcome (i.e., lack of consensus recommendation) as much as the inability of competing interests to identify common ground. While extraordinary efforts were made to develop proposals that could address all stakeholder interests at the table, in the end, divergent interests precluded a true consensus regarding the issues of both size and location.

**Use of Advisory Panels:** The MRWG relied heavily upon the advice of their two advisory panels – the Science Panel and the Socio-economic Team. Both bodies were utilized in the context of joint fact-finding, and responded in varying degrees to questions posed by the MRWG. Initial concerns and conflicts over the discretionary versus advisory nature of panel input were resolved during the early stages of the process. The independence of each advisory panel was evident in the manner in which they responded to questions raised by the MRWG.

**Strategic Use of Public Comment/Input:** The process was designed to function as a series of working meetings rather than a schedule of public hearings where public comment was an integral part of the meeting design. Because of this approach, members of the public were encouraged to voice their concerns through the network of stakeholder representatives sitting on the MRWG. Concerns were raised with this approach and there was an ongoing tension throughout the process between members of the general public who wanted to participate directly in the MRWG discussions and the need to have sufficient time to allow for meaningful dialogue among the MRWG itself. This dilemma was mitigated in part with three public forums held in at strategic points in the process. Early on, an initial public forum was held in Oxnard (January 2000) that addressed the overall process and its purpose. Constructive input was received from

over 200 participants, resulting in the eventual adoption of a “problem statement” by the MRWG. Mid-way through the process, a second public forum was held in Goleta where the goals and objectives developed by the MRWG were reviewed and discussed, again by over 200 individuals in attendance. A third public forum was held in February of 2001 and discussed specific options for the location of marine reserves. Like the previous two public forums, a brief question and answer session was followed by a series of small round-table focus groups that identified areas of agreement and disagreement. Focus-group moderators then reported back to the full assembly the results of the small group discussions. In all three cases, vocal and passionate comments were aired and the Sanctuary staff provided follow-up meeting summaries.

**Stakeholder Understanding of the Science and User Profiles behind Marine Reserves:**

Because of the engagement of scientific and socioeconomic experts as part of the process, the MRWG as a whole improved their knowledge and integration of the scientific basis for reserves as a method of addressing ecosystem biodiversity and sustainable fisheries, while at the same time considering the potential impacts of “no take” fishing zones on those who depend upon the resources for their livelihood.

**Stakeholder/Constituent Outreach:** While not all MRWG members had identifiable or formalized constituent groups, a number of MRWG members made a concerted effort to meet with and discuss evolving MRWG dialogues with their respective constituencies. In many cases, they were challenged with conveying the dynamics and the “give and take” that took place at MRWG meetings with their constituent groups who had not attended the MRWG meetings. However, in the final analysis, each MRWG member succeeded in establishing worthwhile and meaningful connections between their identified constituencies and their role as decision makers/consensus builders on the MRWG. In the end, some constituencies remained uncomfortable with the broad based support for some proposals and were not able to commit their representatives to sign on to a consensus recommendation.

**Need for Process Evaluation:** Mindful that many outside interested observers have looked to the MRWG process as a potential model approach to consensus stakeholder-based marine resource decision-making, the facilitation team believes it is important to invest the time to impartially evaluate the lessons to be learned from the MRWG’s effort about its overall process conception, design, and execution. Such an evaluation would enhance the long-term benefits gained from the MRWG process and provide useful guidance and advice to agency sponsors and conveners of similar collaborative agreement-seeking processes in the future.

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## Value Added by the Process

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At the close of the Marine Reserve Working Group meeting on May 16, 2001, members were asked to reflect on the benefits gained from their collective efforts for themselves personally and to the community as a whole. Each of the participants outlined their thoughts about lasting value and importance of the MRWG process. Those observations can be classified into six categories. Selected observations are as follows:

- ❖ **From consideration to action:** Everybody on the MRWG is now in agreement that Marine Reserves provide potential benefits and should be implemented.

“We have come a long way from just considering Marine Reserves to proposing thousands of acres for Marine Reserves”

“The final maps discussed (today) reflected a scale of reserves that is positive in terms of community perspective. They’re bigger than everything else on the continent.”

“The reserves dialogue shifted fisherman into a pro-active mode.”

“The leadership, commitment and perseverance has been significant; that is pleasantly surprising.”

- ❖ **Everyone got smarter:** Increased awareness and understanding of scientific basis and socioeconomic implications of reserves gave everyone a vastly improved perspective.

“We have received great benefit from being “forced fed” information, not the least of which is an expanded political and jurisdictional awareness.”

“We amassed a huge information base in one place for resource management.”

“We learned about the limits of science and challenges inherent in using science in decision-making process.”

- ❖ **Building consensus requires an exceptional amount of work:** In spite of not reaching agreement, efforts toward unanimity created substantial benefits in terms of improved collective capacity for collaborative problem solving.

“We invested heart and soul into this process, not just time and money.”

“Constituent involvement has been a challenge and tremendous learning experience.”

“We compressed a 10-year effort that took place at the Florida Keys National Marine Sanctuary, into a 2-year effort for the Channel Islands National Marine Sanctuary.”

“The big challenge is to move beyond the uncertainties associated with Marine Reserves.”

"Our hard work and pain will pay dividends in the future."

- ❖ **The end of our process will be where others start:** The products and experiences of this process will inform future processes so that they can be more effective, both in terms of substance and process.

"The outcome of this process gives a starting point for other processes (MLPA, etc.)."

"The Goals and Objectives reflect everyone's perspectives and desires for the future."

"Working with other stakeholders was rewarding and yielded good information to build on."

- ❖ **Created a broader knowledge base:** Substantial information gathering, research, evaluation of existing studies, mapping, and dialogue all added significantly to the body of knowledge about marine reserves.

"There is tremendous value for the community to be derived from Science and Socio-economic panels."

"Our information base (Socio-economic information and GIS) was developed by a partnership. This can be built upon from a data base perspective. "

"There is a higher level of broad based understanding and how to deal with uncertainty."

- ❖ **Better working relationships:** People are now able to put a face with the issues. Good will is no longer in short supply; better understanding of diverse perspectives and friendships exist where they previously did not.

"I have better appreciation of people and process."

"Working with other stakeholders was rewarding and yielded good information to build on. "

"This was a beneficial process in part because it put faces on the issues."

"The MRWG was better than the "Survivor" television show – we could not boot people out!"

"Interagency relations have been improved."

## **Appendix A**

### **ADOPTED GROUND RULES**

Channel Islands National Marine Sanctuary Advisory Council  
Marine Reserve Working Group

#### **1. Purpose**

The purpose of these ground rules is to provide a common set of understandings upon which the discussions of the Marine Reserve Working Group might proceed and to facilitate the efficient use of participants' time and resources in achieving consensus on a recommendation to the Sanctuary Advisory Council (SAC). These ground rules will serve as the group's "agreement" for collaboration and consensus building.

#### **2. Why are we doing this?**

The Working Group has been established in response to:

- Channel Islands National Marine Sanctuary (CINMS) and California Department Fish and Game (CDFG) legislative purposes and mandates;
- A proposal to the California Fish and Game Commission for "no take" marine reserves in the Channel Islands National Marine Sanctuary area; and,
- The need to establish a community and stakeholder process for considering marine reserves in the Channel Islands National Marine Sanctuary for the California Fish and Game Commission.

#### **3. Mission Statement**

Using the best available ecological, socioeconomic and other information, the Marine Reserve Working Group (MRWG) will collaborate to seek agreement on a recommendation to the Sanctuary Advisory Council regarding the potential establishment of marine reserves within the Channel Islands National Marine Sanctuary area.

#### **4. Timeline**

It is anticipated that the MRWG will develop and forward its recommendation to the Sanctuary Advisory Council by June 2000.

#### **5. Definitions<sup>5</sup>**

- A. A Marine Reserve is defined as a "No Take" zone.

#### **6. Participation**

Working Group Selection Process: The Channel Islands National Marine Sanctuary Advisory Council (SAC) created the Marine Reserve Working Group around a core of five Council members and a Sea Grant Extension Marine Advisor. The MRWG operates under the purview of the SAC. The SAC solicited nominations of individuals with a strong knowledge of the regional marine resources and management issues, who also had the ability to understand and respect diverse points of view. The SAC selected members of the Working Group from this roster of nominated individuals.

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<sup>5</sup> Definitions within the context of these Ground Rules may be refined and new terms added at the discretion of the Marine Reserve Working Group. However, as with other changes or additions to these Ground Rules, all such revisions shall be by consensus of the Working Group.

Composition: The membership of the Working Group was established with the intention of having a range of community and stakeholder perspectives being represented. These included the public-at-large, commercial fishing and diving interests, recreational fishing and diving interests, and conservation interests. The SAC sought to have relative parity between members representing consumptive and non-consumptive interests on the Working Group. However, because it was envisioned that the Working Group would develop its recommendations through consensus, achieving a perfect numerical balance on the Working Group was not considered essential for a fair and informed process.

Alternates: All Working Group members have the responsibility to identify a designated alternate who can represent their interests and perspectives. The alternate's role is to attend any meeting that the member cannot attend, participate on that member's behalf, and to provide information about the proceedings and results of the meeting directly to the member. Alternates are empowered to participate in the decision making process when members are not in attendance. Alternates are not empowered to ratify the final recommendation of the MRWG.

Technical Advisors: The Working Group may choose to invite other individuals with special knowledge and expertise related the Channel Islands marine reserve issues to attend meetings to provide information and/or advice. Advisors will be encouraged to participate in discussions but shall not participate in the decision-making of the Working Group.

Constituent Involvement: Working Group members and their alternates serve as conduits for two-way information exchange with their constituencies. Constituents wanting to provide input to the process are encouraged to channel their concerns and suggestions through individual members of the Working Group who they feel could represent their interests. Working Group members will make a concerted outreach effort to communicate regularly with their agencies or constituencies to keep them informed about the process and the issues under discussion.

Participation and Observation by Members of the Public: All Working Group meetings are open to the public and observers are welcome. Meetings of the Working Group are meant to be working meetings focused on collaboratively developing a recommendation to the Sanctuary Advisory Council regarding marine reserves in the Channel Islands area. As such, the meetings are not designed to be opportunities for soliciting input from the general public. However, members of the public are encouraged to raise their concerns with Working Group members before or after the meetings, as well as during breaks, to help ensure that all issues of significant concern to the public are considered in the Working Group's deliberations or directed to other relevant entities such as the Science Panel or Sanctuary Advisory Council.

Public Involvement Opportunities: The Sanctuary will be providing a number of opportunities to solicit additional public input throughout the marine reserve and management plan review process. Specifically, one or more workshops will be scheduled with this specific purpose in mind. The Working Group is expected to utilize the input and feedback obtained through these public involvement activities in their deliberations, in order to develop a recommendation to the Sanctuary Advisory Council that will receive broad support from the general public.

Additions to the Working Group: During the course of its deliberations, the Working Group may determine that it's in the best interests of achieving a quality and informed outcome to add additional members with different perspectives to the Working Group. Such new members may be added by consensus of the Working Group, subject to ratification by the Sanctuary Advisory Council.

Replacement of Working Group Members: In the unlikely event that a member of the Working Group is unable to continue to serve, his or her replacement shall be added by consensus of the Working Group, subject to ratification by the Sanctuary Advisory Council.

## **7. Decision-Making Process**

The Working Group will strive to achieve decisions by consensus. For matters of substance associated directly with its mission, the Working Group will strive for unanimity. In seeking consensus, each member has an obligation to articulate interests, propose alternatives, listen to proposals and build agreements by negotiating a recommendation for adoption by the SAC. In exchange, each member has the right to expect:

1. a full articulation of agreement and areas of disagreement, if any;
2. an opportunity to revisit issues on grounds of substantial new information becoming available during the Working Group's deliberations.

When unable to support a consensus, a member has an obligation to demonstrate that the item at issue is a matter of such principle or importance that his or her constituents' interests would be substantially and adversely affected by the proposed decision. In addition, it is the responsibility of the dissenting party to: 1) state the reason(s) underlying their withholding of consent in sufficient detail, and 2) offer an alternative suggestion that satisfactorily addresses not only their concerns and interests, but also those of other members of the Working Group as well.

Definition of Consensus: One definition of consensus is unanimity. This means that all participants will work toward reaching agreement as a group on all major elements of their collective decisions. In practice, however, where the challenge is a balancing of interests and issues, it is necessary to provide for differing levels of support between members and issues in constructing a viable set of agreements. In the unlikely event that one or more members disagree on a specific aspect of the decision making process, the following factors will be used in crafting agreements:

1. the relative importance of the issues to individual members;
2. the relationship of the issue in dispute to the total package that comprises the Working Group's recommendation to the SAC; and,
3. the provision of specific assurances (e.g., sunset clauses, etc.) that respond to uncertainties that cannot be resolved in the context of these discussions.

From an operational standpoint, the Working Group will utilize the following definition of consensus: *Consensus is a process used to find the highest level of agreement without dividing the participants into factions. Everyone in the group supports, agrees to, or can accept a particular decision. In the end, everyone can say "whether or not I prefer this decision, above all others, I will support it because it was reached fairly and openly."*

In seeking consensus on an interim or final recommendation, it is understood that members should voice their concerns with specific proposals along the way, rather than waiting until a final recommendation has been developed. In addition, the Working Group may choose to use the following five levels of agreement to indicate a member's degree of approval and support for any proposal or decision being considered by the Working Group and to determine the degree of consensus among the Working Group:

*Level 1* - I feel we have no clear sense of agreement among the group. We need to talk more before considering a decision.

*Level 2* - I do not agree with the group's proposal. I feel the need to block its adoption and propose an alternative.



*Level 3* - I may not be especially enthusiastic about it, but I can accept the group's proposal.

*Level 4* - I think this proposal is the best choice of the options available to us.

*Level 5* - I am enthusiastic about the group's proposal and am confident it expresses the best wisdom of the entire group.

The goal is for all members of the Working Group to be in the upper levels of agreement. The Working Group would be considered to have reached consensus if all members are at Levels 3 to 5. If any member of the Working Group is at levels 1 or 2, the Working Group will stop and evaluate how best to proceed.

In the event of significant disagreements, the Working Group will decide, in consultation with the Facilitators, how best to move forward. For example, additional discussion may be needed to help understand unresolved concerns before proceeding further, or the group may benefit from working on creating additional options. If, after exhausting all other options, a Working Group member feels that he or she cannot go along with a very strong consensus developed by the group, they have the option to withdraw as an official member of the Working Group.

Straw Polls: Straw polls may also be taken to assess the degree of preliminary support for an idea, before being submitted as a formal proposal for final consideration by the Working Group. Members may indicate only tentative approval for a preliminary proposal, without fully committing to its support. It is understood that agreement on a final recommendation will typically require consideration by constituent groups of all elements of the recommendation that ultimately emerges from the Working Group.

Absence When Decisions Are Made: When members and their alternates cannot attend a meeting of the Working Group, they will seek to communicate their views to other members of the group prior to that meeting. Absence of both a member and their alternate is interpreted as assent.

If Consensus Cannot Be Reached on the Final Recommendation: If consensus cannot be reached on a recommendation to the Sanctuary Advisory Council regarding marine reserves, the Working Group will forward to the SAC a summary of their areas of agreement and their areas of disagreement. In no case will there be a statement of what proportion of members were in favor of or opposed to any provision on which there is continuing disagreement.

Implementation Considerations: Although the Working Group as a whole is not directly responsible for implementation of its recommendation by the SAC, members should be continually mindful of the feasibility and practical aspects of any recommendation they develop.

## **8. Day-to-Day Working Group Operations**

### Co-Chairs of the Working Group:

The manager of Channel Islands National Marine Sanctuary and the Southern Marine Manager of the California Department of Fish and Game, who together represent the lead federal and state agency sponsors of the Marine Reserve Working Group process, will serve as Co-Chairs of the Working Group.

It is the responsibility of the Co-chairs or their designee to:

- Develop meeting agendas with input from the members and in consultation with the Facilitators.
- Serve as the official spokespersons for the process.

- Clearly communicate to the Working Group the parameters, constraints, goals, and requirements of the lead federal and state agencies sponsoring this process that will have the primary responsibility for the implementation of any recommendation that is adopted.
- Encourage the active participation of all Working Group members.
- Keep Working Group members and support staff accountable for agreed upon tasks and deadlines.
- Support the efforts of the Facilitators.

#### Meeting Mechanics:

The Working Group will initially meet approximately monthly for all-day meetings. The time and location of all Working Group meetings will be publicized in advance and the public is welcome to attend. The development of meeting schedules will take into consideration the special needs of its members so as to maximize attendance. Members agree to place a high priority on participation in the Working Group process and to make a good faith best effort to attend all meetings. If unable to attend a meeting, members will ensure that their designated alternate attends in their place.

Any member of the Working Group may request a break or caucus to consult with other colleagues or constituents attending the meeting. The Facilitators may also request or suggest a caucus.

Draft Meeting Agendas along with supportive materials will be provided to the Working Group at least 10 calendar days and preferably two weeks in advance of each meeting. The Facilitator will produce meeting notes following each meeting that identify the major issues discussed and any decisions made or actions to be taken<sup>6</sup>. The draft meeting notes will be distributed as a part of the subsequent meeting agenda packet for review by the participants. Finalized meeting summaries will be posted on the Sanctuary's web site.

#### Role and Responsibilities of Working Group Members

The following points are offered as examples of the roles and responsibilities of members and guests of the Working Group:

- Actively participate in discussions.
- Bring concerns to other members, co-chairs or facilitators.
- Share the airtime with others.
  - Offer respect of different viewpoints and attention when others speak.
- Ask questions of each other for clarification and mutual understanding.
- Verify assumptions when necessary.
- Avoid characterizing the motives of others.
- Acknowledge and try to understand others' perspectives.
- Deal with differences as problems to be solved, not battles to be won.
- Stay focused on the task at hand.
- Refrain from distracting others through side conversations; silence all cell phones during meetings.
- Keep the Facilitators neutral.

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<sup>6</sup> Meeting notes are intended to characterize and clarify points of agreement and areas in need of resolution in order to move the process forward. They are not intended to serve as "meeting minutes" in the traditional sense.

- Concentrate on the content of discussions and allow the Facilitators to focus on how to promote productive discussion.
- Share the responsibility of ensuring the success of the process and the quality of the outcome.
- Make our best good faith effort to work towards reaching an agreement.
- Represent the perspectives, concerns, and interests of our agency or constituencies whenever possible to ensure that agreements developed by the Working Group are acceptable to the organizations, agencies, or constituents we are representing.
- Keep the Working Group informed regarding constraints on our decision-making authority within our agencies or constituency groups.

#### Role and Responsibilities of the Facilitators

The Facilitators are neutral third parties whose responsibility it is to serve the entire Working Group impartially, build consensus and provide the procedural framework for productive working relationships among all participants. The Facilitators serve at the pleasure of the Working Group and can be replaced at any time. Other roles and responsibilities include the following:

- Help the group focus on their common task, clarify information and achieve a common understanding of the available information.
- Create a constructive environment for open discussion and dialogue.
- Protect individuals and their ideas from attack.
- Help channel strong emotions into productive discussions and solutions.
- Help ensure that all points of view are expressed and understood.
- Help ensure that all members have an opportunity to participate in discussions.
- Clarify areas of agreement and disagreement.
- Suggest processes and procedures to help the group accomplish its tasks.
- Help the group reach agreement, resolve differences, identify options, and discover common ground.
- Ensure that key decisions are documented.
- Draft press releases to be issued through the Co-Chairs on the progress of the process upon request and with guidance from the Working Group.

#### Establishment of Task Groups

Because of the technical complexity of the tasks at hand, it may be necessary and useful to appoint task groups of the Working Group to: (1) engage in the development and refinement of options for the full Working Group consideration, (2) refine proposals for specific action by the Working Group as a whole, (3) conduct specific joint “fact-finding” efforts, and (4) undertake other specific tasks necessary to the success of the Working Group as a whole. As a general rule, any task-oriented sub-group should be small enough to effectively accomplish their charge and at the same time large enough to ensure a balance of interests. Each Task Group will also operate through the principle of consensus and be facilitated by a Chair whose responsibility it is to regularly communicate with the Working Group through its Chair and the Facilitators. Task Groups are not empowered to make decisions in place of the Working Group as a whole.

### **9. Joint Fact-Finding and Information Sources**

Relevant information can play an important role in the identification of options and the development of informed consent. At the same time, too much information or information of limited relevance can cause confusion and slow down the process. The Sanctuary Advisory Council has established a Science Panel to aid the Working Group in utilizing the best science to

craft recommendations for its consideration<sup>7</sup>. The Sanctuary Advisory Council has also established a Socio-Economic Team to assist the Working Group in evaluating various socio-economic implications of marine reserves<sup>8</sup>.

The Working Group will seek access to information from the following sources:

- a. Science Panel established by the Sanctuary Advisory Council to assist the Working Group in its deliberations.  
National Center for Ecological Analysis and Synthesis (NCEAS), established by the National Science Foundation at UCSB, which has a Marine Reserves Working Group.
- b. Information provided by various groups that utilize the Channel Islands National Marine Sanctuary area for consumptive and non-consumptive activities.
- c. Information provided by various constituent groups with an interest in the Channel Islands National Marine Sanctuary area.
- d. Information provided by others with knowledge and expertise related to the marine environment of the Channel Islands National Marine Sanctuary area or marine reserves.
- e. GIS-based decision support tools being developed by the Sanctuary, that will integrate and map the ecological and socioeconomic information being developed and that will allow Working Group members to evaluate different impacts and benefits of various marine reserve scenarios it may be considering.
- f. Workbook binders compiled by the Sanctuary staff that will provide background information and ongoing technical, and procedural information that will contribute to the success of the process and the development of consensus-based recommendations to the SAC

Working Group members may, from time to time, desire additional information to resolve outstanding issues related to developing recommendations. These requests should be developed by the consensus of the Working Group. In crafting requests, the Working Group should clarify how or why the information would facilitate the resolution of issues of concern to its members.

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<sup>7</sup> It is the Mission Statement of the Science Panel to use the best available information and expertise to assist the Marine Reserves Working Group in evaluating potential reserve scenarios. The draft tasks reflected in the minutes include:

- 1) to identify and review the state of the literature on marine reserves and provide MRWG with potential natural resource consequences of reserves;
- 2) to identify and evaluate existing data sets for incorporation into a GIS-based ecological characterization;
- 3) to define scientific criteria to achieve the objectives defined by the MRWG; and
- 4) to evaluate the scientific merit of different reserve scenarios provided by the Working Group and provide feedback.

<sup>8</sup> The mission of the Socio-economic Study Team is: "to use the best available socioeconomic information and expertise to assist the MRWG in evaluating various socioeconomic implications of marine reserves. The proposed tasks of the Socio-Economic Study Team are:

1. To identify, review and analyze potential socioeconomic implications of marine reserves;
2. To provide to the MRWG the potential socioeconomic costs and benefits of marine reserves;
3. To identify and evaluate existing datasets for incorporation in a GIS-based socioeconomic characterization;
4. To design, collect and analyze supplemental necessary information for incorporation into the GIS-based socioeconomic characterization;
5. To define socioeconomic criteria for the MRWG to consider in achieving reserve objectives; and,
6. To evaluate socioeconomic implications of different reserve scenarios provided by the MRWG.

Where individual members wish to share written or printed information regarding an “action item” with the Working Group as a whole, such information should be provided to the Sanctuary staff at least 48 hours prior to any meeting, along with a written abstract summarizing the key points and indicating how it facilitates agreement or understanding related to a specific issue under consideration.

#### **10. Interactions with the Media**

The Working Group Co-Chairs will serve as the official spokespersons for the MRWG process. Any press releases or media contact regarding the process or its outcome will be conducted through the Co-chairs, unless other arrangements are made by a consensus of the group.

All members are free to interact with the media, but they agree to focus on explaining the concerns and interests of their own constituencies and avoid characterizing the views or motives of other members of the MRWG. Members will not use the media for communicating their concerns to other members of the MRWG. When in contact with the media about marine resources in the Channel Islands, members will, as a courtesy, provide notice to the Working Group about those contacts.

#### **11. Use of MRWG Funds**

Some members of the Working Group have expressed an interest in contributing funds to support activities related to the MRWG process. Contributors may stipulate the kind of activities they would like to support; however, all allocations of funds are subject to approval of the Working Group to ensure that the common needs of the process are being addressed. All contributed funds will be administered by the Facilitators or a task group selected by the Working Group, and held in a dedicated bank account established for the MRWG process.

## Appendix B – MRWG, Facilitation Team, and Support Staff

### Marine Reserves Working Group Membership:

Name	Affiliation	Representation
Patricia Wolf, Chair	Department of Fish and Game	Department of Fish and Game
Matt Pickett , Sanctuary Manager Co-Chair	NOAA'S Channel Islands National Marine Sanctuary	NOAA's National Marine Sanctuary
Warner Chabot Greg Helms	Center for Marine Conservation	Non-Consumptive
Steve Roberson	Channel Island Marine Resource Restoration Committee	Non-Consumptive
Alicia Stratton Sean Kelly	Surfrider Foundation	Non-Consumptive
Chris Miller	Lobster Trappers Association	Consumptive
Neil Guglielmo	Squid Seiner and Processor	Consumptive
Dale Glanz	ISP Alginates Inc.	Consumptive
Tom Raftican	United Anglers	Consumptive
Robert Fletcher	Sport Fishing Association of California	Marina/Business
Lucky Brown	Channel Islands Council of Divers	Sport Diving
Marla Daily	Sanctuary Advisory Council	Public At Large
Dr. Craig Fusaro	Sanctuary Advisory Council	Public At Large
Gary Davis	Channel Islands National Park	National Park Service
Mark Helvey	NOAA's National Marine Fisheries Service	NOAA'S National Marine Fisheries Service
Deborah McArdle	California Sea Grant	California Sea Grant
Dr. Michael McGinnis	Acting Director of the Ocean and Coastal Policy Center, MSI, UCSB.	Non-Consumptive

Note: Where two names are listed, the former initiated the process and the latter completed it

**Facilitation Team:**

**John C. Jostes, Lead Facilitator**

Mark Zegler, Support Staff

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